IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3368 of 2005

Between:

Audepu Ravinder S/o.late Kumaraswamy
11-24-2, Desaipet, Road, Warangal, R/o. H.No.11-24-432 Desaipet Road, Warangal warangal Dist.

..... PETITIONER

AND

1 The Government of Andhra Pradesh represented by the Commissioner of Civil Supplies and Ex- Officio Secretary to Government Civil supplies Bhavan Errammanzil, Hyderabad.
2 The District Collector Warangal District, Warangal.
3 The Revenue Divisional Officer Warangal, Warangal District.Ap.
4 The Mandal Revenue Officer Warangal, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the proposed action of the respondents in proposing to bifurcate the petitioner's F.P. Shop, Authorisation No.59, Ward.No.11-0 Block No.11024, Door No.11-24-2, Desaipet Road, Warangal is bad in law, Arbitrary, unconstitutional offending articles 14 and 21 of the constitution of India and consequently direct the Respondents not to bifurcate the above F.P.Shop until fresh guidelines are issued basing on the present position of supply of essential commodities into consideration and pass such other order orders.

Counsel for the Petitioner:MR.G.V.L.N.MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a dealer of fair price shop for Ward No.11, Block No.24-2, Deshaipet Road, Warangal. His grievance is that the respondents are undertaking bifurcation of the shop to accommodate persons of the choice of local politicians. He complains that as of now, he holds only 500 cards, which is less than the number of cards stipulated in Memo, dated 22.01.1999, and further bifurcation would be contrary to the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The Government is vested with ample power to establish and re-organize the fair price shops, for proper and effective distribution of essential commodities. Interference in such matters is very rare and even viability of an existing dealer is not treated as a valid ground.

However, to ensure that the shops are established and run on healthy lines, the Government itself framed guidelines in its Memo, dated 22.01.1999. It directs that the concerned authorities shall ensure minimum number of cards to a dealer either during the course of establishing a new shop or bifurcating an existing one. Different numbers are prescribed for different areas, such as, Corporations, Municipalities and Rural areas. The shop of the petitioner is in the Corporation area, therefore, the respondents are required to ensure that any bifurcation of the existing shop does not violate the guidelines in the Memo.

Therefore, the writ petition is disposed of directing that the respondents shall not deviate from the guidelines contained in Memo dated 22.01.1999, in the event of any bifurcation of the fair price shop, for which the petitioner is appointed as dealer. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 24.02.2005

Note: Furnish copy in

Three days.

(B/o)

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To

1 The Government of Andhra Pradesh represented by the Commissioner of Civil Supplies and Ex- Officio Secretary to Government Civil supplies Bhavan Errammanzil, Hyderabad.
2 The District Collector Warangal District, Warangal.
3 The Revenue Divisional Officer Warangal, Warangal District.Ap.
4 The Mandal Revenue Officer Warangal, Warangal District.

5 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad.

6 2 CD copies